

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX
MARKETING SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION

CASE NO. 05-CV-01699 CRB

MDL No. 1699

This Document Relates To:

PLAINTIFFS LISTED ON EXHIBIT I

**ORDER DISMISSING WITH PREJUDICE
CERTAIN PLAINTIFFS SUBJECT TO
ORDER TO SHOW CAUSE**

Date: February 4, 2011
Time: 10:00 a.m.
Judge: Hon. Charles R. Breyer

On November 22, 2010, this Court issued an Order to Show Cause why certain Plaintiffs – those who had executed settlement agreements with Pfizer or who had agreements in principle, but who had not yet completed the settlement process, or who appeared to file duplicative complaints where the Court dismissed at least one of the complaints already – should not be dismissed for failure to prosecute their claims (“the OSC”). *See* Docket No. 3445. The OSC required any such Plaintiff who wished to oppose the dismissal of his or her suit with prejudice to file a response to the OSC by December 7 and appear in person at a hearing on December 17. Prior to the hearing, a number of plaintiffs filed responses to the OSC (some of which were untimely), and Pfizer submitted a report regarding the progress certain Plaintiffs had made in completing their settlements since the Court issued the OSC.

1 After the hearing, the Court dismissed more than 100 plaintiffs who had failed to respond
2 to the OSC and had not made progress in completing their settlements, but stayed the OSC until
3 February 4, 2011 with respect to more than 700 plaintiffs who had made some progress in
4 completing their settlements ("the OSC Dismissal & Stay"). See Docket No. 3463. Since the
5 Court issued the OSC Dismissal & Stay, a large number of Plaintiffs completed their settlements.
6 Only three Plaintiffs' counsel filed any response to the OSC; one agreed to dismiss his only case
7 with prejudice subject to an agreement with Pfizer relating to Medicare claims; another reported
8 significant progress in finalizing their settlement involving a number of plaintiffs; and another
9 consented to the dismissal of some Plaintiffs but claimed to have made some progress in
10 completing the settlements of other Plaintiffs. No other Plaintiff or Plaintiffs' counsel filed any
11 response to the OSC of any kind (timely or not).

12 After carefully considering the status of the litigation and the ample notice provided to
13 litigants by the Court and Pfizer, the Court hereby ORDERS as follows:

14 1. This Court finds that the Plaintiffs listed in Exhibit 1 either (a) did not respond to
15 the Court's OSC and did not make sufficient progress toward settlement, and thus failed to
16 prosecute their claims adequately, or (b) completed their settlements and consent to dismissal at
17 this time. The claims of all such Plaintiffs hereby are DISMISSED WITH PREJUDICE.

18 2. In light of the parties' progress in resolving the claims of the remaining plaintiffs
19 in the litigation, and the timelines established in Pretrial Order No. 31, the Court will set the next
20 case management conference ("CMC") in this matter for September 30, 2011.

21 3. The Plaintiffs who cases remain active at this time are admonished to complete
22 their settlements in short order. If necessary, the Court will issue another Order to Show Cause if
23 the remaining settlements are not completed by the time of the next CMC.

24 **IT IS SO ORDERED.**

25
26 Dated: February 07, 2011


HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

EXHIBIT 1

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EXHIBIT 1

No.	Case Number	Plaintiff's Last Name	Plaintiff's First Name
1	3:05-cv-03860	Turner	William
2	3:05-cv-04301	Babin	Ronald
3	3:05-cv-04302	Aiola	Carol
4	3:05-cv-04436	Sneer	Louis
5	3:05-cv-05324	Briley	Robert
6	3:05-cv-05324	Carpenter	Robert
7	3:05-cv-05324	Goodman	Sherman
8	3:05-cv-05324	Kocher	Jerry
9	3:05-cv-05355	Armstrong	Linda
10	3:05-cv-05355	Belleck	Charles
11	3:05-cv-05355	Daniels	Jack
12	3:05-cv-05355	Donoho	William
13	3:05-cv-05355	Hicks	Stephen
14	3:05-cv-05355	Kennedy	Laurie
15	3:05-cv-05355	Lewis	Ruth
16	3:05-cv-05355	Patrick	Gene
17	3:05-cv-05356	Disher	Scott
18	3:05-cv-05356	Hunt	Kenneth
19	3:05-cv-05356	Roseneau	Randal
20	3:05-cv-05356	Sneer	Louis
21	3:05-cv-05356	Untalan	Jose
22	3:06-cv-00229	Armstrong	Linda
23	3:06-cv-00229	Belleck	Charles
24	3:06-cv-00229	Daniels	Jack
25	3:06-cv-00229	Donoho	William
26	3:06-cv-00229	Hicks	Stephen
27	3:06-cv-00229	Kennedy	Laurie
28	3:06-cv-00229	Lewis	Ruth
29	3:06-cv-00229	Patrick	Gene
30	3:06-cv-00432 3:06-cv-00452	Jackson	James
31	3:06-cv-01652	Smith	Leon
32	3:06-cv-01879	Bryant	James
33	3:06-cv-01879	Burns	Mary
34	3:06-cv-01879	Clevinger	John
35	3:06-cv-01879	Fugate	Vurl
36	3:06-cv-01879	Gibbs	Buna
37	3:06-cv-01879	Good	Phyllis
38	3:06-cv-01879	Hamilton	Noralene
39	3:06-cv-01879	Johnson	Shurlie
40	3:06-cv-01879	Keene	Jerry
41	3:06-cv-01879	Mannie	Dortha
42	3:06-cv-01879	Mayard	Doris
43	3:06-cv-01879	Newsome	Sally

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No.	Case Number	Plaintiff's Last Name	Plaintiff's First Name
44	3:06-cv-01879	Pendleton	Kevin
45	3:06-cv-01879	Ramey	Joey
46	3:06-cv-01879	Rowe	Catherine
47	3:06-cv-01879	Slone	Laverne
48	3:06-cv-01879	Terry	Billy
49	3:06-cv-01880	Casey	Roger
50	3:06-cv-01880	Fortney	Fredrick
51	3:06-cv-01880	Hall	Deborah
52	3:06-cv-01880	Hall	Patricia
53	3:06-cv-01880	Hampton	Lonnie
54	3:06-cv-01880	Huff	James
55	3:06-cv-01880	Jones	Patricia
56	3:06-cv-01880	Newsome	Naomi
57	3:06-cv-01880	Russell	Myrtlene
58	3:06-cv-01880	Salisbury	Billie
59	3:06-cv-01880	Sesco	Bobby
60	3:06-cv-01880	St. John	Bonnie
61	3:06-cv-01881	Clark	Beverly
62	3:06-cv-01881	Kilgore	Evelyn
63	3:06-cv-01881	Moore	Carolyn
64	3:06-cv-01881	Ratliff	Lucille
65	3:06-cv-01881	Robinson	Joel
66	3:06-cv-01881	Smith	Joe
67	3:06-cv-01881	Taylor	Fon
68	3:06-cv-02081	Wilson	Mark
69	3:06-cv-02474	Wilson	Faye
70	3:06-cv-02479	Wilson	Faye
71	3:06-cv-02678	Bennett	Stela
72	3:06-cv-02678	Hoyt	Elsie
73	3:06-cv-02682	Hanson	Steve
74	3:06-cv-02682	Karl	Sherry
75	3:06-cv-02682	Pearce	Carol
76	3:06-cv-02682	Wilkinson	James
77	3:06-cv-02688	Talbert	Russell
78	3:06-cv-02813	Fountain	Linda
79	3:06-cv-02813	Gates	Joyce
80	3:06-cv-02813	Gremillion	Deanna
81	3:06-cv-02813	Soileau	David
82	3:06-cv-02814	Butler	James
83	3:06-cv-02814 3:06-cv-03680	Gay	Dana
84	3:06-cv-02814	Lebourgeois	Lynn
85	3:06-cv-03487	Sanders	Barbara
86	3:06-cv-03487	Sanders	Victor
87	3:06-cv-03526	Brantley	Donald

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No.	Case Number	Plaintiff's Last Name	Plaintiff's First Name
88	3:06-cv-03526	Bridges	Lavonne
89	3:06-cv-03526	Corbeil	Guy
90	3:06-cv-03526	Doolen	Daniel
91	3:06-cv-03526	Hayes	Howard
92	3:06-cv-03526	Hendricks	Lawrence
93	3:06-cv-03526	Howard	Willie
94	3:06-cv-03526	Isreal	Scott
95	3:06-cv-03526	Linberg	Richard
96	3:06-cv-03526	Miller	Deborah
97	3:06-cv-03526	Nairne	Joyce
98	3:06-cv-03526	Nall	Mabel
99	3:06-cv-03526	New	Louise
100	3:06-cv-03526	Poorman	Jim
101	3:06-cv-03526	Rainey	Joyce
102	3:06-cv-03526	Reynolds	James
103	3:06-cv-03526	Smith	Forrest
104	3:06-cv-03526	Smith	Walter
105	3:06-cv-03526	Stone	Paulette
106	3:06-cv-03526	Turnage	Peggy
107	3:06-cv-03526	Wallace	Raymond
108	3:06-cv-03526	Wood	Dimple
109	3:06-cv-03526	Woods	Eunice
110	3:06-cv-03527	Bullard	Arthur
111	3:06-cv-03527	Crum	Freda
112	3:06-cv-03527	Mills	Bessie
113	3:06-cv-03528	Adams	Tilford
114	3:06-cv-03528	Blankenship	Emma
115	3:06-cv-03528	Brady	Terriann
116	3:06-cv-03528	Bruner	Carlie
117	3:06-cv-03528	Bucklin	David
118	3:06-cv-03528	Buskirk	Jo
119	3:06-cv-03528	Castle	Tommy
120	3:06-cv-03528	Collins	Martin
121	3:06-cv-03528	Durrell	Elaine
122	3:06-cv-03528	Felton	Carroll
123	3:06-cv-03528	Gayheart	Billy
124	3:06-cv-03528	Griffin	Kervin
125	3:06-cv-03528	Hicks	Charles
126	3:06-cv-03528	Ingram	Tammy
127	3:06-cv-03528	Jackson	Sarah
128	3:06-cv-03528	James	Barbara
129	3:06-cv-03528	Johnson	Cathey
130	3:06-cv-03528	Johnson	Mildred
131	3:06-cv-03528	Ladner	Kirk
132	3:06-cv-03528	Leavings	Horace

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No.	Case Number	Plaintiff's Last Name	Plaintiff's First Name
133	3:06-cv-03528	Martin	Clara
134	3:06-cv-03528	Maynard	Eva
135	3:06-cv-03528	Moore	Sarah
136	3:06-cv-03528	Moye	James
137	3:06-cv-03528	Noe	Kathy
138	3:06-cv-03528	Pack	Melda
139	3:06-cv-03528	Pellegrin	Justillian
140	3:06-cv-03528	Philpot	Shirley
141	3:06-cv-03528	Powell	John
142	3:06-cv-03528	Price	James
143	3:06-cv-03528	Roberts	Ricky
144	3:06-cv-03528	Schellhaas	William
145	3:06-cv-03528	Simmons	Verlina
146	3:06-cv-03528	Slone	Benny
147	3:06-cv-03528	Smallwood	Leroy
148	3:06-cv-03528	Smith	John
149	3:06-cv-03528	Smith	Margie
150	3:06-cv-03528	Spillers	Elizabeth
151	3:06-cv-03528	Sprague	Deborah
152	3:06-cv-03528	Sullwold	Aline
153	3:06-cv-03528	Swisher	John
154	3:06-cv-03528	White	Patricia
155	3:06-cv-03655	Langham	Vandell
156	3:06-cv-03658	Jermea	Ann
157	3:06-cv-03663	Douglas	Evelylene
158	3:06-cv-03668	McCullough	Bryan
159	3:06-cv-03668	McCullough	Cheryl
160	3:06-cv-03671	Graves	June
161	3:06-cv-03671	Graves	Larry
162	3:06-cv-04090	Scott	Willie
163	3:06-cv-06160	Duvall	Arlene
164	3:06-cv-06160	Duvall	Sam
165	3:06-cv-06548	Brandt	Gaylene
166	3:06-cv-06548	Cleek	Mary
167	3:06-cv-06548	Odom	Evelyn
168	3:06-cv-07282	Cote	Linda
169	3:06-cv-07331	Henry	Mamie
170	3:06-cv-07392	Wellborn	Joyce
171	3:06-cv-07392	Wellborn	Vernon
172	3:06-cv-07649	Boggs	Mary
173	3:06-cv-07737	Norris	Louise
174	3:06-cv-07737	Norris	Robert
175	3:06-cv-07902	Nunez	Jacob
176	3:06-cv-07902	Nunez	Linda
177	3:06-cv-07903	Lunday	Lonnie

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No.	Case Number	Plaintiff's Last Name	Plaintiff's First Name
178	3:06-cv-07904	Serrata	John
179	3:06-cv-07904	Serrata	Sharon
180	3:07-cv-00106	Sutherland	Sanford
181	3:07-cv-00213	Wiles	Geraldine
182	3:07-cv-00443	Burnside	Frieda
183	3:07-cv-00862	Lewis	Gwendolyn
184	3:07-cv-00862	Lewis	Richard
185	3:07-cv-00864	Surratt	Vena
186	3:07-cv-01959	Edwards	William
187	3:07-cv-01973	Caldwell	Jene
188	3:07-cv-01973	Caldwell	Richard
189	3:07-cv-01973	Lonardo	Riccardo
190	3:07-cv-01973	Stewart	Dorothy
191	3:07-cv-01973	Wadnik	Linda
192	3:07-cv-01973	Zamorski	John
193	3:07-cv-02144	Allgood	Ruth
194	3:07-cv-02144	Andrus	Isaac
195	3:07-cv-02144	Boose	Marilyn
196	3:07-cv-02144	Brown	Gary
197	3:07-cv-02144	Caudill	Janice
198	3:07-cv-02144	Dent	Daihann
199	3:07-cv-02144	Flato	Walter
200	3:07-cv-02144	Fromkneht	Wayne
201	3:07-cv-02144	Hauth	Charles
202	3:07-cv-02144	Hill	Beverly
203	3:07-cv-02144	Klink	Rosa
204	3:07-cv-02144	Koester	Michael
205	3:07-cv-02144	Lewis	Louanda
206	3:07-cv-02144	Martin	Robert
207	3:07-cv-02144	McCormick	Pamela
208	3:07-cv-02144	Merger	Terry
209	3:07-cv-02144	Schooley	Linda
210	3:07-cv-02144	Staples	Margaret
211	3:07-cv-02144	Torain	Kathy
212	3:07-cv-02144	Watkins	Tamara
213	3:07-cv-02144	Weddington	Trevis
214	3:07-cv-02212	Estate of Ann Hall by her Administrator Leslie Hall	
215	3:07-cv-02212	Samuel	Wagdy
216	3:07-cv-03415	Styles	Geneva
217	3:07-cv-03415	Styles	John
218	3:07-cv-03419	Chaney	Kevin
219	3:07-cv-03492	Vantine	Wendel
220	3:07-cv-06088	Allums	Marcus D.
221	3:08-cv-01492	Green	Jerome

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No.	Case Number	Plaintiff's Last Name	Plaintiff's First Name
222	3:08-cv-03743	Sjoberg	Gene
223	3:09-cv-04314	Russell	Mary
224	3:09-cv-04315	Dock	Trevaris
225	3:09-cv-04316	Garcon	Marie
226	3:09-cv-04317	Muscat	Catherine
227	3:09-cv-04318	Turner	Evelyn
228	3:09-cv-04319	Flagler	Ronald
229	3:09-cv-04320	Knight	Regina
230	3:09-cv-04321	Williams-Fudge	Elizabeth
231	3:09-cv-04322	Borja	Carlos
232	3:09-cv-04323	Roman	David
233	3:09-cv-04324	Charlot	Diela
234	3:09-cv-04325	Cutler	Weston
235	3:09-cv-04326	Edwards	Joyce
236	3:09-cv-04327	Garabedian	Khatchir
237	3:09-cv-04328	Gordon	Lena
238	3:09-cv-04329	Kaufman	Joseph
239	3:09-cv-04330	Berardi	Pasquale
240	3:09-cv-04331	Rodgers	Scott
241	3:09-cv-04332	Rutsky	Bruce
242	3:09-cv-04333	Levy	Robert
243	3:09-cv-04334	Schroeder	Catherine
244	3:09-cv-04335	West	Theresa
245	3:09-cv-04346	Tompkins	Willie
246	3:09-cv-04347	Codling	Vivia
247	3:09-cv-04348	Ellberg	Beverly
248	3:09-cv-04349	Savino	Michael
249	3:09-cv-04350	Grant	Oliver
250	3:09-cv-04351	Pawlak	Elaine
251	3:09-cv-04352	Pastore	Louis
252	3:09-cv-04359	Kelly	Hope
253	3:09-cv-04360	Charlot	Diela
254	3:09-cv-04361	Russell	Mary
255	3:09-cv-04362	Cardone	Natalie
256	3:09-cv-04363	Mazzarella	Lila
257	3:09-cv-04364	Roman	David
258	3:09-cv-04365	Eagen	Marcos
259	3:09-cv-04366	Vivona	Ben
260	3:09-cv-04367	Clinton	Cathi
261	3:09-cv-04368	Petty	Joan
262	3:09-cv-04369	Fughett	Eureatha
263	3:09-cv-04371	Sabow	Bruce
264	3:09-cv-04372	Carmichael	Cecilia
265	3:09-cv-04373	Gholston	Carey
266	3:09-cv-04374	Gwynn	William

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No.	Case Number	Plaintiff's Last Name	Plaintiff's First Name
267	3:09-cv-04375	Hollingsworth	Dharl
268	3:09-cv-04376	Iglesia	Olimpia
269	3:09-cv-04377	Johnson	Danny
270	3:09-cv-04395	Claypool	David
271	3:09-cv-04438	Dady	Eva
272	3:09-cv-04440	Kalil	Joe
273	3:09-cv-04441	Major	Jean
274	3:09-cv-04442	Miller	Ruth
275	3:09-cv-04443	Niemeyer	Thomas
276	3:09-cv-04444	Novak	Leon
277	3:09-cv-04445	Smith	Dale
278	3:09-cv-04446	Theodoris	Lacienne
279	3:09-cv-04464	Mainer	Henry
280	3:09-cv-04627	Mayweather	Earnest
281	3:09-cv-04628	Sabio	John
282	3:09-cv-04629	Pruett	Patricia
283	3:09-cv-04632	Roberts	Earnestine
284	3:09-cv-04634	Stanley	Edward
285	3:09-cv-04635	Viger	Sharon
286	3:09-cv-04636	Watson	Elizabeth
287	3:09-cv-04638	Bialek	Carol
288	3:09-cv-04640	Clinton	Cathi
289	3:10-cv-04345	Murillo	Rachael